

Alan J. Kessel (Cal. Bar No.: 130707)
Suzanne M. Burke (Cal. Bar No.: 177920)
Brandon Q. Tran (Cal. Bar No.: 223435)
BUCHALTER NEMER
A Professional Corporation
18400 Von Karman Avenue, Suite 800
Irvine, California 92612-0514
Telephone: (949) 760-1121
Facsimile: (949) 720-0182
E-mail: btran@buchalter.com

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Attorneys for Plaintiff DIRECTV, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DIRECTV, INC., a California corporation,

Plaintiff,

vs.

PATSY EDWARDS-KEMP,

Defendant.

Case No. CV-03-5338 HRL

Hon. Howard R. Lloyd

**REQUEST FOR VOLUNTARY
DISMISSAL OF DEFENDANT
PATSY EDWARDS-KEMP;
~~PROPOSED~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV") hereby respectfully requests that the Court enter an Order dismissing the above-captioned action with prejudice as to Defendant Patsy Edwards-Kemp ("Defendant"). This request is made on the grounds that Defendant and DIRECTV have entered into an agreement settling this matter. Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action against Defendant, each party to bear its/her own attorneys' fees and costs incurred in this action to date.

Although on August 4, 2005 this Court dismissed without prejudice DIRECTV's claims against Defendant, DIRECTV is obligated under the terms of the settlement agreement to take all reasonable steps to obtain a dismissal of this action with prejudice against Defendant, each party to bear its/her own costs and attorneys' fees. DIRECTV files this Request in fulfillment of that obligation.

Defendant answered the Complaint on or about April 20, 2004. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant with prejudice.

DATED: October 19, 2005

Respectfully Submitted,

BUCHALTER NEMER
A Professional Corporation

By: /s/ Brandon Q. Tran
Brandon Q. Tran
Attorneys for Plaintiff DIRECTV, Inc.

ORDER

Having read the foregoing Request for Voluntary Dismissal of Defendant Patsy Edwards-Kemp filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed with prejudice as against Defendant Patsy Edwards-Kemp; and
2. Each party shall bear its/her own attorneys' fees and costs incurred in this action to date.

DATED: October 24, 2005

/s/ Howard R. Lloyd
Honorable Howard R. Lloyd
United States District Court
Northern District of California